

AMENDED IN SENATE JUNE 3, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 422

Introduced by Assembly Member Nazarian

February 15, 2013

An act to amend Section 49557.2 of the Education Code, relating to public schools.

LEGISLATIVE COUNSEL’S DIGEST

AB 422, as amended, Nazarian. ~~Health–School lunch program applications: health care applications: notice.~~

Existing law creates various programs to provide health care services to persons who have limited incomes and meet various eligibility requirements. These programs include the Healthy Families Program administered by the Managed Risk Medical Insurance Board, and the Medi-Cal program administered by the State Department of Health Care Services.

Existing law provides for a school lunch program under which eligible pupils receive free or reduced-price meals. Existing law authorizes the sharing of the school lunch program application with the county agency administering the Medi-Cal program for use in making an accelerated Medi-Cal eligibility determination for pupils eligible for free meals. Existing law provides for the sending of a Healthy Families Program application to pupils determined to be ineligible for Medi-Cal coverage.

This bill would, commencing January 1, 2014, require the notices to include prescribed advisements about the availability of free or reduced-cost comprehensive health care coverage through Medi-Cal or the California Health Benefit Exchange, respectively. *The bill would authorize a school district also to include the notices in certain*

notifications required at the beginning of the first semester or quarter of the regular school term.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 49557.2 of the Education Code is
2 amended to read:

3 49557.2. (a) (1) At the option of the school district or county
4 superintendent, and to the extent necessary to implement Section
5 14005.41 of the Welfare and Institutions Code, the following
6 information may be incorporated into the School Lunch Program
7 application packet or notification of eligibility for the School Lunch
8 Program using simple and culturally appropriate language:

9 (A) A notification that if a child qualifies for free school lunches,
10 then the child may qualify for free or reduced-cost health coverage.

11 (B) A request for the applicant's consent for the child to
12 participate in the Medi-Cal program, if eligible for free school
13 lunches, and to have the information on the school lunch
14 application shared with the entity designated by the State
15 Department of Health Care Services to make an accelerated
16 determination and the local agency that determines eligibility under
17 the Medi-Cal program.

18 (C) A notification that the school district will not forward the
19 school lunch application to the entity designated by the State
20 Department of Health Care Services to make an accelerated
21 determination and the local agency that determines eligibility under
22 the Medi-Cal program, without the consent of the child's parent
23 or guardian.

24 (D) A notification that the school lunch application is
25 confidential and, with the exception of forwarding the information
26 for use in health program enrollment upon the consent of the child's
27 parent or guardian, the school district will not share the information
28 with any other governmental agency, including the federal
29 Department of Homeland Security and the Social Security
30 Administration.

31 (E) A notification that the school lunch application information
32 will only be used by the entity designated by the State Department
33 of Health Care Services to make an accelerated determination and

1 the state and local agencies that administer the Medi-Cal program
2 for purposes directly related to the administration of the program
3 and will not be shared with other government agencies, including
4 the Department of Homeland Security and the Social Security
5 Administration for any purpose other than the administration of
6 the Medi-Cal program.

7 (F) Information regarding the Medi-Cal program, including
8 available services, program requirements, rights and
9 responsibilities, and privacy and confidentiality requirements.

10 (2) The State Department of Education, in consultation with
11 school districts, county superintendents of schools, consumer
12 advocates, counties, the State Department of Health Care Services,
13 and other stakeholders, shall make recommendations regarding
14 the School Lunch Program application, on or before February 1,
15 2003. The recommendations shall include specific changes to the
16 School Lunch Program application materials as necessary to
17 implement Section 14005.41 of the Welfare and Institutions Code,
18 information for staff as to how to implement the changes, and a
19 description of the process by which information on the School
20 Lunch Program application will be shared with the county, as the
21 local agency that determines eligibility under the Medi-Cal
22 program.

23 (3) At the option of the school, the request for consent in
24 subparagraph (B) of paragraph (1) may be modified so that the
25 parent or guardian can also consent to allowing Medi-Cal to inform
26 the school as provided in subdivision (n) of Section 14005.41 of
27 the Welfare and Institutions Code when followup is needed in
28 order to complete the Medi-Cal application process.

29 (b) (1) School districts and county superintendents of schools
30 may implement a process to share information provided on the
31 School Lunch Program application with the entity designated by
32 the State Department of Health Care Services to make an
33 accelerated determination and with the local agency that determines
34 eligibility under the Medi-Cal program, and shall share this
35 information with those entities, if the applicant consents to that
36 sharing of information. Schools may designate, only as necessary
37 to implement this section, non-food service staff to assist in the
38 administration of free, reduced price, or paid school lunch
39 applications that have applicant consent, but only if that designation
40 does not displace or have an adverse effect on food service staff.

1 This information may be shared electronically, physically, or
2 through whatever method is determined appropriate.

3 (2) If a school is aware that a child, who has been found eligible
4 for free school lunches under the National School Lunch Program,
5 and for whom the parent or guardian has consented to share the
6 information provided on the application, already has an active
7 Medi-Cal or Healthy Families case, the application shall not be
8 processed for an accelerated determination but shall be forwarded
9 to the local agency that determines eligibility under the Medi-Cal
10 program pursuant to Section 14005.41 of the Welfare and
11 Institutions Code. The school shall notify the parent or guardian
12 of the child's ineligibility for *an* accelerated Medi-Cal
13 *determination* due to the current eligibility status and that the
14 child's application will be forwarded to the county pursuant to this
15 section. The notice shall include a statement, with contact
16 information, advising the parent or guardian to contact the
17 Medi-Cal or Healthy Families programs regarding the child's
18 eligibility status.

19 (3) Each school district or county superintendent that chooses
20 to share information pursuant to this subdivision shall enter into
21 a memorandum of understanding with the local agency that
22 determines eligibility under the Medi-Cal program, that sets forth
23 the roles and responsibilities of each agency and the process to be
24 used in sharing the information.

25 (4) The local agency that determines eligibility under the
26 Medi-Cal program shall only use information provided by
27 applicants on the school lunch application for purposes directly
28 related to the administration of the Medi-Cal program.

29 (5) After school districts share information regarding the school
30 lunch application with the entity designated by the State
31 Department of Health Care Services to make an accelerated
32 determination and the local agency that determines eligibility under
33 the Medi-Cal program, for the purpose of determining Medi-Cal
34 program eligibility, the local agency and the school district shall
35 not share information about school lunch participation or the
36 Medi-Cal program eligibility information with each other except
37 as specifically authorized under subdivision (n) of Section
38 14005.41 of the Welfare and Institutions Code and other provisions
39 of law.

1 (c) Effective July 1, 2005, the notifications and consent
2 referenced in subdivision (a) and the procedures set out in
3 subdivision (b) shall include the Healthy Families Program and
4 any relevant county- and local-sponsored health insurance programs
5 as necessary to implement Section 14005.41 of the Welfare and
6 Institutions Code.

7 (d) Effective January 1, 2014, the notifications *referenced in*
8 *subdivision (a)* shall do all of the following:

9 (1) Advise the applicant that the applicant may be eligible for
10 ~~reduced-cost~~, *reduced-cost* comprehensive health care coverage
11 through the California Health Benefit Exchange.

12 (2) Advise that, if the *applicant's* family income is low, the
13 applicant may be eligible for no-cost coverage through Medi-Cal.

14 (3) Provide the applicant with the contact information for the
15 California Health Benefit Exchange, including its Internet Web
16 site and telephone number.

17 (4) *Comply with the federal Americans with Disabilities Act of*
18 *1990 (42 U.S.C. Sec. 12101 et seq.) and any other applicable*
19 *federal or state disabled access law.*

20 ~~(d)~~

21 (e) If a school district finds that the child is eligible for reduced
22 price or paid meals under the National School Lunch Program and
23 consent was provided as described in subdivision (b), the entity
24 designated by the State Department of Health Care Services to
25 make an accelerated determination shall notify the parent or
26 guardian of the child's ineligibility for an accelerated Medi-Cal
27 determination pursuant to Section 14005.41 of the Welfare and
28 Institutions Code. The notification shall include information on
29 other available health programs for which the child may be eligible.

30 (f) *A school district may also include the notifications in the*
31 *notifications at the beginning of the first semester or quarter of*
32 *the regular school term required pursuant to Section 48980.*